

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/801,734	UMITSUKI ET AL.	
	Examiner	Art Unit	
	David A. Lambertson	1636	

All Participants:

(1) David A. Lambertson.

(2) Yuko Soneoka.

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 27 October 2002

Time: 2pm

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Potential rejection of claims 1, 5, 6 and 8 under 35 USC § 112, second paragraph. Potential rejection of claim 7 under 35 USC § 102(b).

Claims discussed:

Claims 1 and 5-8

Prior art documents discussed:

Potential prior art regarding claim 7.

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature ~ if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's attorney/agent (henceforth Applicant) was contacted regarding the status of an After Final amendment. Applicant was advised of several issues that required a resolution prior to an indication of allowance. First, claims 1 and 8 required rephrasing to clearly indicate that it was the isolated koji mold that was transformed with the nucleic acids encoding a peptidase and a protease, rather than the parent strain. Regarding claim 5, it was noted that the claim was directed to "obtaining" a koji mold, rather than breeding a koji mold; this was because there was no step where the molds were actually mated. Regarding claim 6, it was noted that a positive process step recapitulating the preamble of the claim was necessary in order to clearly define the metes and bounds of the claimed method. Additionally, the Abstract would have to be retyped on a separate page in order to comply with formal standards. These issues were all resolved by the accompanying Examiner's Amendment.

Regarding claim 7, Applicant was informed that the Examiner interpreted the claim as a product-by-process claim. Therefore, if the identical product were obtainable by an independent method, the product would be anticipated because the method by which it is obtained does not confer a patentable feature to the product. Applicant was informed that under this interpretation, the Examiner uncovered potential prior art under 35 USC § 102(b), and that in order for an allowance to be issued, claim 7 would have to be cancelled. In a subsequent interview, Applicant indicated that, for the sole purpose of furthering prosecution and not as an admission that the Examiner's interpretation was accurate, claim 7 would be cancelled.